

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

TAMMY HENSLEE,)	
)	
Plaintiff,)	
)	
v.)	Case No. 4:10CV1653 DJS
)	(FRB)
MICHAEL J. ASTRUE, Commissioner)	
of Social Security,)	
)	
Defendant.)	

REPORT AND RECOMMENDATION

This cause is on appeal from an adverse ruling of the Social Security Administration. Presently pending before the Court is Defendant's Motion To Reverse And Remand With Suggestions In Support (Docket No. 11/filed November 18, 2010). All pretrial matters were referred to the undersigned United States Magistrate Judge, pursuant to 28 U.S.C. § 636(b), for appropriate disposition.

Defendant answered plaintiff's Complaint in this cause on November 16, 2010. In the instant Motion, defendant requests that the matter be remanded for further consideration of plaintiff's claims. Specifically, defendant avers that, upon remand, the Appeals Council will direct the administrative law judge to fully assess the effect of plaintiff's reduced visual acuity on the occupational base. Defendant further avers that evidence from a medical expert with a vision specialty will be recommended. Defendant further avers that plaintiff has a subsequent application pending at the Office of Hearings and Appeals which, on remand,

would be consolidated and considered with the instant case, thereby expediting the administrative review process and ensuring the Commissioner's proper consideration of plaintiff's claims. The defendant requests that this Court enter a final judgment pursuant to Rule 58 of the Federal Rules of Civil Procedure, reversing the decision of the ALJ and remanding this case to the Commissioner pursuant to sentence four of 42 U.S.C. § 405(g).¹

On November 18, 2010, plaintiff filed a response, stating that she had no objection to defendant's motion.

A review of the defendant's motion shows it to be well-taken. See, e.g., Buckner v. Apfel, 213 F.3d 1006, 1009-11 (8th Cir. 2000).

Accordingly,


IT IS HEREBY RECOMMENDED that Defendant's Motion To Reverse And Remand With Suggestions In Support (Docket No. 11) be granted.

IT IS FURTHER RECOMMENDED that the Commissioner's decision be reversed and remanded to the Commissioner pursuant to sentence four of 42 U.S.C. § 405(g), for further consideration of plaintiff's claims.

The parties are advised that they have until December 2, 2010 to file written objections to this Report and Recommendation. Failure to file objections may result in waiver of the right to appeal questions of fact. Thompson v. Nix, 897 F.2d 356, 357 (8th

¹Citing Brown v. Barnhart, 282 F.3d 580 (8th Cir. 2002), defendant requests that this Court's order specifically include a statement that it is "reversing and remanding" the case.

Cir. 1990) (per curiam).


Frederick R. Buckles
UNITED STATES MAGISTRATE JUDGE

Dated this 18th day of November, 2010.